



# Lamoine Board of Selectmen

606 Douglas Hwy  
Lamoine, ME 04605  
(207) 667-2242  
town@lamoine-me.gov

## Minutes of September 17, 2009

Chair Jo Cooper called the meeting to order at 7:01 PM

Present were: Selectmen S. Josephine Cooper, Gary McFarland, Kermit Theall; Administrative Assistant Stu Marckoon, Budget Committee members Kathleen DeFusco, Reginald McDevitt, Henry Ashmore, Hubene Brodie, Merle Bragdon, Robin Veysey; Planning Board members Michael Jordan, Michael Garrett, James Gallagher, Gordon Donaldson, Chris Tadema-Wielandt, and Code Enforcement Officer Dennis Ford. Selectmen Fennelly and Donaldson had informed the board prior to the meeting they would not be able to attend.

**Agenda Review** – No changes were made to either the agenda or the addendum.

**Minutes** – Jo noted that the two Selectmen who were unable to attend the meeting had asked to have more time to review the minutes. Stu said he put them in the packets with instructions to send changes if needed, and there was no response. Jo moved to approve the minutes of August 6, 2009, Kermit 2<sup>nd</sup>. **Vote in favor was 3-0**

Jo moved to approve the minutes of September 3, 2009 as presented. Gary 2<sup>nd</sup>. **Vote in favor was 3-0.**

**Expenditure Warrant 6** – There was a question about the payment for speakers at the school gym. Stu said Jina's Gym, Inc. will reimburse the town. Selectmen signed the warrant for \$191,528.23. Stu noted the school check was the largest portion of the warrant and would not be released until there is enough money in the checking account to cover it.

**Cash & Budget Report** – There were no questions about the written report. Stu noted the final report for FY 2009 was included with the materials handed out this evening.

**Checking Account Reconciliation** – Selectmen signed the statement expressing satisfaction with the review of the checking account reconciliation for August 2009.

**Audit** – Stu reported the auditors would be at the town office later this month to finish out the field work. He said he'd closed up the FY 2009 accounts this week.

**Investment Accounts** – Selectmen reviewed the report from The First Advisors. Stu said there was still some money left in the general fund, but not a lot.

**Budget Committee** – Jo turned chairmanship of the meeting over to Henry Ashmore so that a Budget Committee meeting could be held jointly.

**Budget Committee Officers** – Merle Bragdon moved that the same slate of officers be selected as the previous budget season – i.e. Henry Ashmore Chair, Hubene Brodie Vice Chair, and Stu Marckoon as secretary. Kathy DeFusco 2<sup>nd</sup>. **Vote in favor (by the Budget Committee) was unanimous.**

**Schedule** – The Budget Committee will meet at 7:00 PM on the following Monday evenings:

October 19, 2009  
November 9, 2009  
November 23, 2009  
December 7, 2009

**Budget Goals & Cash Flow** – Henry asked how much the increase in the school property tax commitment was. Stu said he would look it up (it was about \$57,000). There was a discussion about the referendum question regarding excise tax that will be voted on in November. A lengthy discussion followed.

Stu said he proposed a couple of things to assist with cash flow, including changing the property tax due date, delaying paving until the spring of the fiscal year, and proposing to RSU 24 to vary the amounts due and the dates due to help accommodate cash flow. A discussion followed on the various proposals. Several on the budget committee said they liked the proposed change in tax due dates.

Henry said it's not known how the school consolidation repeal vote will play out in November, but there would not be a significant change in operations at RSU 24. He said there is likely to be a significant increase in the local school property tax assessment as the state is looking to cut funding to school districts. He said a pretty good school budget increase could be expected. Jo asked how much it might be. Henry said he didn't know, but the Superintendent of RSU 24 was looking at \$500,000 in savings to help offset the revenue cuts. He said the state is not coming forth with money. Jo said that's one more thing to get socked to the local government.

Henry said there has been very little increase in the town budget in the past. He said that budget has been able to hold even. He said if the excise tax referendum passes, it will be another hit on the budget. He asked where costs could be reduced. Jo said there are no big places to cut on the municipal side of the budget. Stu said there is some revenue coming in from the cell tower that will be built, but that won't come close to offsetting the excise tax cut.

Jo said the Selectboard is looking at economic development possibilities, but that's a longer term process and will not result in any short term cash infusion. Henry said he didn't see how the town could tolerate any new additions to the budget. He said the budget will have to be tightened. Gary asked what the loss of excise tax to the town would be if the referendum passes. Stu said approximately a 35-40% cut, or about \$80,000, which represents about 1/3 of a mill. Henry said maybe a sinking fund would not be funded. Hubene Brodie suggested looking at charitable donations. Henry said the Town of Rockport has stopped funding outside agencies and instead is sending out a flyer with the tax bills asking voters to send contributions and designate how much would go to each agency. The committee briefly discussed that idea.

The Budget Committee and Selectmen briefly discussed the TABOR II question being voted on in November. Stu asked if he understood correctly that the goal is no new big expenditures. Henry said that was correct. Stu said he's not expecting any requests for

big items anyway. The Budget Committee meeting portion adjourned and members departed.

**Leases – Snowmobile Club** – Stu said he borrowed language from a lease posted on the Maine Town & City Management Association website by the City of South Portland to draft a proposed agreement with the Frenchman Bay Riders Snowmobile Club. There was a discussion about the term (10-years), payment (nothing, but the club would plow Bloomfield Park Road to its building), and subletting (not allowed without written permission from the Selectmen). Jo moved to send the lease as drafted to the Snowmobile Club for comment. Gary 2<sup>nd</sup>. **Vote in favor was 3-0.**

**Jennifer Reynolds – Map 1 Lot 57** – Stu said he had not addressed the request by Miss Reynolds to be able to use the existing septic system for disposal of gray water. Kermit said mowing should become the responsibility of the lessee, and the other board members agreed with that. Jo moved to send the proposed lease with the change in mowing responsibilities to Miss Reynolds. Gary 2<sup>nd</sup>. **Vote in favor was 3-0.**

**Roads – Job Description** – Road Commissioner Michael Jordan said he had no problem with the changes proposed to the job description. Jo said they made sense to her. Kermit reminded Mike to dole out work assignments fairly. Stu asked if the Selectmen present wanted the full board to act on the proposed changes. Jo said if there is no urgency, approval could be tabled until the full board is present. There was no objection.

**Policy for Assigning Work Projects** – Stu asked Mike if he had a chance to read over the draft policy. Mike said not really. The Board opted to table this to the next meeting as well.

**Work List** – Jo said she liked the list of work and the way it was laid out. There was a very brief discussion about which work would be covered by FEMA. She said the report was well organized. Mike said some of the work will have to go out to bid. Jo asked what the Selectmen had to do. Stu said to authorize the Road Commissioner to accomplish and assign the work identified as needing to be done this fall. Jo said the trick will be trying to get a contractor to do the work. There was a discussion about bidding the work. Selectmen agreed to expedite things the Road Commissioner would award the work. Jo said her concern is that the work gets done. She said she's nervous about the severity of the weather events in the past few years.

Jo moved to authorize the road commissioner to perform the work on the fall work list. Kermit 2<sup>nd</sup>. **Vote in favor was 3-0.**

**Snow Removal @ Lamoine Consolidated School** – Stu said the snow plow contract includes the school parking lot, because at the time the town owned the school. He said the business manager of RSU 24 inquired about snow removal and who would pay for it now that the school belongs to the RSU. There was some sentiment that the RSU should pick up the cost. The board had no objection to authorizing Stu to talk to the RSU about some sort of agreement.

**Hodgkins Scholarship** – Stu said the application package for the Hodgkins Scholarship program was in the Selectmen Packets. He said it looked pretty straight forward. He

said Maine Community Foundation had asked if a link could be put on the town's website. There was no objection. The Board said the application looked OK.

**Business Development Strategy Outline** – Jo said the brief outline included in the packet was helpful. She said she and Kermit had attempted to attend the Mobilize ME meeting the previous day, but it apparently was canceled. She said she would like the town to be part of that conversation. She said it might be rescheduled in November.

Jo read the strategy outline aloud. She said the 2<sup>nd</sup> item was to invite business owners to a facilitated meeting, but wondered if the whole community should be invited. There was a discussion about identifying the businesses in town. Stu suggested going address by address in a first attempt. He said people might be surprised by how much business there is.

Jo asked about the strategy outline. Gary said it sounded about right. Jo said a time certain needed to be set on the various goals. Kermit suggested having a meeting in November. Jo said a date could be set at the next meeting. Stu said he could have a rough business inventory done by the October 15<sup>th</sup> meeting. Jo said it would make sense to invite the Planning Board to that meeting. She said she was excited about this.

**Referenda Resolves** – Stu noted that Maine Municipal Association is holding a meeting in Ellsworth next Tuesday on the various election issues. He suggested the matter be tabled until after that meeting. Gordon Donaldson asked if the Selectmen intended to take a stand on all the referenda issues. Jo said no. There was a brief discussion about the school consolidation question. Jo asked that the matter be on the next agenda and that resolves be drafted up.

**Mailbox** – Stu reported the post office had posted a notice that the blue collection box at the town office was going to be removed next Tuesday. He said he called the postmaster and inquired why, then sent out an e-mail blast soliciting comment to either the post office or the town hall. He said on Wednesday he went outside to put something in the mailbox, and a car pulled away with what looked to be the postmaster in it, and the notice had been removed from the mailbox, so something happened to reverse the decision. He said he drafted a letter of thanks to the postmaster and the Selectmen signed it.

**Parks Commissioner** – Jo moved to appoint Susan Belanger to the Parks Commission until June 30, 2012. Kermit 2<sup>nd</sup>. **Vote in favor was 3-0.**

Mike Jordan asked about the cooking grills that have yet to be installed. Stu said the Parks Commission was waiting to get the concrete in to install the bases and grates. There was a brief discussion.

**Junkyard Renewals** – Selectmen said renewing junkyards on October 15<sup>th</sup> would be acceptable.

**Key** – Stu reported an individual who no longer holds elected office has yet to return her key. He said he drafted up a letter for the Selectmen to sign asking that the key be

mailed back by September 30, 2009, or the locks would be changed and the individual charged with the cost.

**Planning Calendars** – Jo said she presumed the agenda item was to ask if the town wanted to provide the planners to committee members again. Stu said that was correct. She said she thought they were great last year and asked about the cost. Stu said it was around \$100. He said he would order fewer this year if approved. There was no objection to ordering the planners.

**Meeting with Maine DOT-** Stu reported representatives from the Maine Department of Transportation would attend a meeting on October 1, 2009.

**Shellfishing Ordinance** – Stu reported a draft ordinance has been produced and e-mailed from the committee. He said the Selectmen should review it before it goes too far.

Kermit said he spoke with a pilot who was interested in aerial enforcement.

**Pole Permit** – Bangor Hydro Electric had submitted a permit request for Walker Road to serve the Walker Farms subdivision. Jo moved to approve it, Kermit 2<sup>nd</sup>. **Vote in favor was 3-0.** Selectmen intended to sign the permit, but could not locate the appropriate signature lines. Stu said he would check with Bangor Hydro on Friday.

**Meeting with Planning Board, Code Enforcement Officer** – Jo asked whether some of the discussion should be in executive session. She said the Selectmen asked the Planning Board to attend to share concerns. Stu said potentially any discussion between the CEO and the Selectmen could be in executive session. Chris Tadema-Wielandt said the position of the Planning Board is pretty well known – it was shown on TV. Mike Jordan asked if anyone wanted the meeting to be in executive session. There was no motion made, and CEO Ford said he had no objection.

Gordon Donaldson said he did not intend for the meeting to be a review of Dennis Ford's performance. He said the Planning Board believes it should be getting the service of the CEO. He said the Building and Land Use Ordinance spells out the relationship between the CEO and the Planning Board, and listed the responsibilities. He said the CEO makes findings and inspections based on the Building and Land Use Ordinance.

Gordon said the issues are: 1. The CEO has been present at fewer than 30% of the meetings since January of 2007; 2. The last time the Planning Board and Selectmen met, the concern was that not a lot of review and assistance was being rendered by the CEO prior to applications coming before the board, which lengthens times for applicants. He said the pre-work the CEO should be providing is continuing to not function well; and 3. There is an ongoing backlog of ordinance revisions that depend on the CEO for help, and the Board is not getting much input.

Gordon said it was a pretty extreme move by the Planning Board to take a vote of no confidence. He said it was to express the frustration of the board. Michael Garrett said the Board needs to get direction from somewhere. Gordon handed out a sheet that outlined the attendance problems. James Gallagher said the frustration level is high.

Mike Garrett said he recalled a meeting several years ago where the issues were much the same. He said things were better for a while, but they seem to have regressed.

Jo said she wondered if the Selectmen have been remiss about not meeting with the Planning Board recently. Mike Garrett said it's difficult to define when the Planning Board reached its point of frustration. Gordon said it's a confusing thing for the Planning Board and the CEO to figure out who the CEO is working for. He said the Planning Board does not supervise the CEO, and maybe it's time to invite the Planning Board to comment before the selectmen do their annual employee review. Kermit said having to review people he doesn't directly work with is difficult.

Dennis said his contract requires him to attend the Planning Board meetings. He said he told the Selectmen and the Planning Board that he was taking a class on Tuesday nights and they did not change meeting dates. He said he informed the Selectmen that he'd got a new job with a probationary period which made it hard to get the 1<sup>st</sup> Tuesday of the month off. He said he was past the probationary period now, and should be available.

Mike Garrett said that was all well and good, but the services of the CEO have not been present in the past. Dennis said the Deputy CEO is a member of the Planning Board. Jo said Dennis did tell the Selectmen about the probationary period. She said she wonders about the duties. She said the Planning Board is concerned about getting the help they need. Dennis said he would have appreciated the Planning Board communicating with him directly about their concerns. He said the previous Planning Board chair used to call him directly prior to the meeting to review the agenda and that was helpful. Jo asked if Dennis was in the office most Tuesdays. Dennis said he was. He said the morning hours do not conflict with his other job.

Jo said there needs to be some changes. She said phone calls and e-mails would be helpful. She asked what the Planning Board might suggest. Gordon said it would be good to have the CEO sit down with an applicant and review applications that go to the Planning Board well ahead of the meeting so that the Board has the information it needs. He said Stu is generally the one who has been reviewing the applications. Jo asked about the agenda being set two weeks ahead of the meeting. Stu said often the applications come in the afternoon of the two week deadline, which is after the CEO has left for the day. There was a lengthy discussion about reviewing applications.

Jim said the issues in the process cannot be predicted. He said the Planning Board needs information from the expert as the review takes place. Kermit asked about Mike Jordan's role. Mike Garrett said Mike Jordan was an alternate member of the Planning Board, and his position as the Deputy Code Enforcement Officer should not be considered. He said it's not fair to ask Mike Jordan to perform CEO duties while serving on the Planning Board. Jo noted Mike Jordan is not getting paid for that. A short discussion followed. Dennis said part of the Deputy CEO's job description is to fill in when the CEO is not available. A short discussion followed.

Gordon said the Planning Board needs access to the knowledge base the CEO has. He said he wished the CEO had laid out how many meetings he would be missing. He said the Planning Board had not heard about the conflicts with the CEO's other job. Jo said

the Selectmen knew about the conflicts and they were not communicated to the Planning Board. She suggested having a once a year meeting with the Planning Board.

Jo said meeting attendance should be better now that Dennis is beyond the probationary period at his other job. A discussion of meeting dates followed. There was a discussion about having Dennis's schedule communicated to the planning board. Kermit said there needs to be a way to get the CEO and the Planning Board on the same schedule. Gordon said having a night job is a problem. Jo suggested starting by improving communications between Stu, Dennis and the Planning Board. She said she would like to have a follow up meeting with the Planning Board, maybe in November. A discussion followed regarding work and meeting schedules.

Jo said she was concerned that the CEO had a commitment to the town and the selectmen were not fully aware of the consequences of the probationary period. She said there are some consequences to the Planning Board, and that is the concern of the Selectmen. She said right now it's not working too well. She said she understands the scheduling difficulty, and if it can work, that's tremendous. Dennis said he was open with the Selectmen when the contract was discussed.

Gordon said he's hearing that Dennis might not be present for the next two meetings. He said the CEO needs to provide some sort of service to the Planning Board and to the applicants. He said the CEO needs to inform the Planning Board about what's going on and tell the Board what it needs to know. He said it would be helpful to know these things before the meeting. He said maybe the Deputy CEO could swap some responsibilities.

Jim Gallagher said he was not clear on what has been decided. He said it's necessary to have the expectations to be communicated in writing. Jo said she would suggest that the CEO communicate in writing with the Planning Board prior to the meeting. Stu said he would endeavor to let the CEO know when applications have come in that need to be reviewed. Gordon said the applicants need coaching from the CEO. Jo suggested that an application not be placed on the agenda until it gets a CEO review. Dennis suggested having a policy say that an application will not be placed on the Planning Board agenda unless received two weeks prior to a meeting and is reviewed by the CEO.

There was a discussion about the permitting process information made available to applicants. It was suggested that the Planning Board develop a written policy for submissions, and a possible ordinance change may be required to formalize that. A discussion followed about permit processes.

Jo asked about having a mechanism for attendance at meetings. Dennis said it should be a non-issue after October. Jo said Dennis should let the Planning Board know by keeping Stu informed about his other work schedule.

Jim said if the CEO cannot attend the meeting, he should communicate information on the issues to the Planning Board Chair and the Deputy CEO. Mike Jordan said if Dennis can't attend, to let him know and he can get up to speed on the issues pretty quickly. Mike Garrett said the Deputy CEO should be compensated for that. Mike Jordan said he

is out of the loop on some CEO matters. Gordon said there should be an e-mail to the Board from the CEO about what he knows prior to the meeting, as well as in person conversation with the Deputy CEO and the Planning Board chair. Jo said she would like to review the situation to see how it's going. Mike Jordan said 2 or 3 months is too small a sample. He said 6-months would be more reasonable.

Gordon asked how the Planning Board should communicate with the Selectmen if there are concerns. Jo said an e-mail to Stu would be most efficient. She said if it's an urgent concern to call Stu, the board chair, or any board member.

Dennis said someone should call him to let him know there is a problem. Mike Garrett said the minutes from the previous month had a warning sign about the Board's attendance concerns. Gordon said contact with Dennis should have been a general courtesy, but the Selectmen are the employer and it is more appropriate for the Planning Board to communicate with the Selectmen.

Chris Tadema-Wielandt said the burden is not on the Planning Board to chase down the CEO. He said the CEO should be informing the Planning Board about attendance and concerns. Gordon agreed that the employee has the obligation to keep the board informed. Dennis said he did inform the board, and had regularly reviewed the agenda with the previous chair. Kermit said the Selectmen need to develop a policy in regard to 2<sup>nd</sup> jobs so that they don't interfere with the process.

Jim requested a list of agreed changes. Stu said he would compile one based on the discussion.

**Next Meetings** – The Selectmen will meet next on October 1, 2009 and October 15, 2009.

**Executive Session** – Jo moved to enter executive session pursuant to 1MRSA §405(6)(a) to discuss a personnel matter with the CEO. Kermit 2<sup>nd</sup>. **Vote was 3-0 in favor at 9:30 PM. Out at 9:55 PM**

There being no further business, the meeting adjourned at 9:55 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen